

Notice of Allowability

Application No.

09/990,268

Examiner

David Y. Jung

Applicant(s)

AMONOU ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____. | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

DETAILED ACTION

Allowable Subject Matter

All claims are allowed. Claims 1-33 are allowed. The following is an examiner's statement of reasons for allowance. In the file history (such as the latest filed amendment), Applicant noted the following regarding the claims. As recited in independent Claim 1, the present invention includes, inter alia, the features of comparing to an estimated capacity a size of a message among a set of messages representing a same message with each having a different number of bits and selecting, from said set of messages, the compared message if said compared message has a size less than or equal to the estimated capacity. According to the above-mentioned features of the present invention, there is a set of messages representing a same message with each having a different number of bits. For example, the set of messages could be messages that all represent the same watermark using different resolutions (i.e., using a different number of bits). Although the set of messages all represent the same message, the appropriate message to insert in a given subset of digital data (i.e., the appropriate resolution to use for that particular subset of digital data) may depend on the capacity of that particular subset of digital data to have a message inserted without deterioration of the original data. Accordingly, after estimating a capacity of the subset of digital data to receive a message, the invention of Claim 1 compares the estimated capacity to a size of a message among the set of messages representing the same message with a different number of bits, and selects the compared message if it

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has a size less than or equal to the estimated capacity. Claim 12 recites, among others, the feature of identifying the fact that an extracted message belongs to a set of stored messages representing a same message with each having a different number of bits. Based on the discussion of the cited art [such as in the discussion of claim 1], Applicants submit that the cited art fails to disclose or suggest such a set of messages and therefore fails to disclose or suggest at least the feature of identifying the fact that an extracted message belongs to such a set of messages. Claim 24 [which is a means claim, and therefore contains the meanings as mentioned by Applicant and as mentioned in specification] recites features similar to Claim 12 discussed above and is believed patentable for similar reasons. Thus, the prior art did not teach or suggest the particular features of the claims.

Conclusion

Points of Contact

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.

David Jung

A handwritten signature in black ink, consisting of a large, stylized loop followed by a series of connected, wavy lines extending to the right.

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Patent Examiner

4/15/07

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